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Servicing, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

MICHELLE MANNING,

Plaintiff,

v.

CITIFINANCIAL INC., EQUIFAX
INFORMATION SERVICES LLC,
EXPERIAN INFORMATION
SOLUTIONS, INC., AND TRANSUNION,
LLC,

Defendants.

NO. _____

**NOTICE OF REMOVAL OF
CITIFINANCIAL INC.**

CitiFinancial Servicing, LLC (“CitiFinancial”), improperly pled as CitiFinancial, Inc., files the within Notice of Removal and respectfully represents that:

1. On or about December 1, 2015, an action was commenced by Complaint against CitiFinancial in the McDowell Mountain Justice Court, Maricopa County, State of Arizona, entitled MICHELLE MANNING v. CITIFINANCIAL INC., EQUIFAX INFORMATION SERVICES LLC, EXPERIAN INFORMATION SOLUTIONS, INC., AND TRANSUNION, LLC, Case No: 2015-223593. Copies of the Complaint and Summons issued on December 1, 2015, are attached hereto and identified as **Exhibit A**.

2. CitiFinancial received the Summons and Complaint on December 9, 2015. Removal is timely because thirty days have not expired since service of the state court pleadings on CitiFinancial.

3. The above described action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1441, because the action alleges CitiFinancial “is willfully reporting derogatory and inaccurate information about Plaintiff to one or more consumer reporting agencies by continuing to report a balance on Account, as defined by 15 U.S.C. § 1681a.” **Exhibit A.** These factual allegations are a claim for violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (the “FCRA”). The FCRA is a federal statute which gives rise to federal question jurisdiction in this Court. *See* 15 U.S.C. § 1681p.

4. Pursuant to 15 U.S.C. § 1681p and 28 U.S.C. § 1331, this Court has original jurisdiction over FCRA claims without regard to the amount in controversy. *See Lockard v. Equifax, Inc.*, 163 F.3d 1259, 1263-65 (11th Cir. 1998).

5. There has been no trial or other final disposition of the Maricopa County Justice Court action.

6. A Notice of Filing of Notice of Removal, attaching a copy of this Notice of Removal, will be sent for filing to the Clerk of the Justice Court, Maricopa County. *See* L.R. Civ. 3.6.

7. Equifax Information Services LLC, Experian Information Solutions, Inc. and TransUnion, LLC have not yet been served, therefore their consent to this Notice of Removal is not required.

WHEREFORE, Defendant CitiFinancial Servicing, LLC removes the above action now pending against it in the McDowell Mountain Justice Court, Maricopa County, State of Arizona to this Court.

BALLARD SPAHR LLP

By: /s/ Lorna B. Banister

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*Attorneys for Defendant CitiFinancial
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CERTIFICATE OF SERVICE

I certify that on the 8th day of January, 2016, I electronically transmitted a PDF version of this document to the Office of the Clerk of the Court, using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants listed for this matter and mailed a copy of the foregoing document to the following CM/ECF non-registrants:

Kevin Fallon McCarthy
Joon N. Kee
4250 North Drinkwater Blvd., Suite 320
Scottsdale, AZ 85251

/s/ Catherine M. Weber